OPINION 897

MELES MONTANUS RICHARDSON, 1829 (MAMMALIA): SUPPRESSED UNDER THE PLENARY POWERS

RULING.—(1) The use of the plenary powers to suppress the specific name *jeffersonii* Harlan, 1825, as published in the binomen *Meles jeffersonii*, is hereby refused.

(2) Under the plenary powers the specific name *montanus* Richardson, 1829, as published in the binomen *Meles montanus*, is hereby suppressed for the purposes of the Law of Priority but not for those of the Law of Homonymy.

(3) The specific name *berlandieri* Baird, 1858, as published in the binomen *Taxidea berlandieri*, is hereby placed on the Official List of Specific Names in Zoology with the Name Number 2344.

(4) The specific name *montanus* Richardson, 1829, as published in the binomen *Meles montanus* (as suppressed under the plenary powers in (2) above) is hereby placed on the Official Index of Rejected and Invalid Specific Names in Zoology with the Name Number 912.

HISTORY OF THE CASE (Z.N.(S.) 1639)

The present case was submitted to the office of the Commission by Dr. Charles A. Long in February 1964. Dr. Long's application was sent to the printer on 28 February 1964 and was published on 26 November 1964 in *Bull. zool. Nomencl.* **21** : 370–371. Public Notice of the possible use of the plenary powers in the present case was given in the same part of the *Bulletin* as well as to the other prescribed serial publications (Constitution Art. 12b; *Bull. zool. Nomencl.* **21** : 184).

The application was supported by Prof. Hobart M. Smith and opposed by Dr. Philip Hershkovitz (*Bull. zool. Nomencl.* **22** : 336–337) and by the Nomenclature Committee of the American Society of Mammalogists in the following note:

" 'Meles montanus' was used by Richardson as a vernacular name, based on the vernacular ' Melo montano ' of Hernandez, 1651. Therefore, no action seems to be called for by the International Commission. The Committee voted 7–0 that Long's proposal should be dismissed without action.

" *Meles jeffersonii* Harlan, 1825, is a validly proposed name for a North American badger that has long been carried in the synonymy of *Taxidea taxus*. Whether or not the name *jeffersonii* should be used for one of the subspecies of *Taxidea taxus* is a taxonomic problem, not a nomenclatorial one. If *jeffersonii* were to be used, in accordance with the Law of Priority, no ' tremendous confusion ' would result, at least at the opinion of this Committee. Therefore, the Committee voted 7–0 against the proposal for suppression of *Meles jeffersonii*."

In reply to the comments of the Nomenclature Committee, Dr. Long wrote to the Commission as follows:

" I would like to point out that the problem of whether or not the *nomen*

oblitum clause should be utilized is partly the basis for the disfavour of the Committee concerning the proposed suppression of the names.

" Secondly, the Committee's opening statement is, in my opinion, false, to the effect that *Meles montanus* Richardson is a vernacular name. It is latinized, binominal and accompanied by a description. Usually Richardson italicized his binomens, and in the case of *Meles montanus* he did not do so. However, I would like to mention that he usually capitalized the beginning letter of the second name in a binominal vernacular name, and in the case of *Meles montanus* he did not do so. The slight change from Hernandez' ' montano ' to Richardson's ' montanus ' immediately followed by a brief description (long tail) suggests to me at least that Richardson was attempting to validate the name of Hernandez. Whether or not Richardson was intending to create an available name seems irrelevant to me, and certainly arbitrary."

DECISION OF THE COMMISSION

On 15 August 1966 the Members of the Commission were invited to vote under the Three-Month Rule on Voting Paper (66)43 either for or against the proposals set out in *Bull. zool. Nomencl.* **21** : 371. At the close of the prescribed voting period on 15 November 1966 the state of the voting was as follows:

Affirmative votes—nine (9), received in the following order: Simpson, Mayr*, Bonnet, Stoll, Kraus, Lemche, Mertens, Binder, Ride*.

Negative votes—thirteen (13): China, Vokes, Obruchev, Holthuis, do Amaral, Tortonese, Uchida, Jaczewski, Evans, Sabrosky, Brinck, Forest, Alvarado.

Voting Papers not returned—three (3): Boschma, Hubbs, Munroe.

The following comments were made by Commissioners in returning their votes:

Prof. G. G. Simpson (23.ix.66): " The objection is not to the desirability of the action but to its necessity. It may not be necessary but may possibly be, and it is desirable. So it is safest to adopt the proposal."

Prof. E. Mayr (4.x.66): " There are two names involved and the voting paper should have asked for a separate vote. I favour suppression of *montanus*, but no action on *jeffersonii*."

Since Dr. Hershkovitz and the A.S.M. Committee had suggested that *montanus* was not an available name it was considered that a new vote should be taken in which the issues were clearly separated. Consequently, on 19 August 1968 Members of the Commission were invited to vote under the Three-Month Rule on Voting Paper (68)25, in *Part 1* either for or against the suppression of *Meles jeffersonii* Harlan, 1925, in *Part 2* either for or against the proposition that *Meles montanus* Richardson, 1829, is an available name, and in *Part 3* (in the event of an affirmative vote in *Part 2*) either for or against the suppression of *Meles montanus* Richardson, 1829. At the close of the prescribed voting period on 19 November 1968 the state of the voting was as follows:

* An affirmative vote in part only. Commissioners Mayr and Ride favoured suppression of *Meles montanus* but not of *Meles jeffersonii*.

Part 1. Affirmative votes—seven (7), received in the following order: China, Simpson, Mayr, Eisenmann, Lemche, Bonnet, Binder.

Negative votes—sixteen (16): Vokes, Munroe, Holthuis, Uchida, Obruchev, Mertens, Kraus, Jaczewski, Tortonese, Starobogatov, Sabrosky, Ride, Brinck, Melville, Alvarado, Forest.

Part 2. Those considering *montanus* to be an available name—thirteen (13): China, Vokes, Simpson, Munroe, Holthuis, Lemche, Starobogatov, Bonnet, Ride, Vokes, Brinck, Alvarado, Forest.

Those considering *montanus* to be unavailable—ten (10): Mayr, Uchida, Eisenmann, Obruchev, Mertens, Kraus, Jaczewski, Tortonese, Sabrosky, Melville.

Part 3. Affirmative votes—fifteen (15): China, Vokes, Simpson, Munroe, Mayr, Holthuis, Uchida, Eisenmann, Lemche, Starobogatov, Sabrosky, Ride, Binder, Alvarado, Forest.

Negative votes—one (1): Brinck.

On Leave of Absence—one (1): Evans.

Prof. do Amaral returned a late affirmative vote in *Part 1*, negative in *Part 2*.

In returning his Voting Paper Mr. Melville commented: " If the Commission votes against the proposal in *Part 1*, it seems to me that Dr. Long has only to wait until Article 23b is clarified and then to submit a formal proposal for the rejection of *M. jeffersonii* as a *nomen oblitum*."

Original References

The following are the original references for names placed on the Official List and Index by the Ruling given in the present Opinion:

berlandieri, *Taxidea*, Baird, 1858, *Mammals of North America:* 205

montanus, *Meles*, Richardson, 1829, *Fauna Boreali-Americana* (1) : 41.

CERTIFICATE

We certify that the votes cast on Voting Papers (66)43 and (68)25 were cast as set out above, that the proposal contained in *Part 3* of the latter has been adopted under the plenary powers, and that the decision so taken, being the decision of the International Commission, is truly recorded in the present Opinion No. 897.

R. V. MELVILLE
Secretary

W. E. CHINA
Assistant Secretary

International Commission on Zoological Nomenclature
London
15 *May* 1969